

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

April 11, 1963
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Palmer presiding.

Roll call:

Present: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer
Absent: None

Present also: W. T. Williams, Jr., City Manager; Doren R. Eskew, City Attorney; Reuben Rountree, Jr., Director of Public Works; Robert A. Miles, Chief of Police

Invocation was delivered by REV. PEYTON WADILL, Windsor Park Presbyterian Church.

MR. BEN MARROQUIN representing a group of property owners on Turnabout Lane off of Hancock Drive, stated this group had many thousands of dollars invested in their homes. He said across the street from his home a filling station was being contemplated, although he and the others of the group had been assured by the sales representatives that nothing detrimental would be erected on this commercial property, that suitable hedges, easements and walls would be erected to protect this residential section. He asked the Council what the group could do and what the Council would do in placing limitations on the Oil Company requiring that it provide hedges or screening in some manner, so that the Company would not incur the ill-will of everyone in the community. Mr. Marroquin and the group agreed they were aware of this commercially zoned property at the time they purchased their homes. The City Attorney pointed out the limitations of the Council. Mayor Palmer inquired if contact had been made with the Company constructing the filling station to see if they would provide screening. Mr. Marroquin said he had not been able to find out whom to contact. The name and address of the Official of the Oil Company was supplied to Mr. Marroquin. Later in the meeting the City Manager reported that Mr. Marroquin had contacted the District Engineer for Shell Oil Company and he had agreed to come up and have a meeting with the property owners in this vicinity.

Councilman White moved that the Minutes of the Regular Meeting of April 4th, and of the Special Meeting of April 8, 1963, be approved. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer
Noes: None

Councilman Perry introduced the following ordinance and moved that it be published in accordance with Article 1, Section 6 of the Charter of the City of Austin:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 7.39 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE SANTIAGO DEL VALLE GRANT, IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE.

The motion, seconded by Councilman White, carried by the following vote:
Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer
Noes: None

The ordinance was read the first time and Councilman Perry moved that the ordinance be passed to its second reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer
Noes: None

Councilman Perry introduced the following ordinance and moved that it be published in accordance with Article 1, Section 6 of the Charter of the City of Austin:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 14.40 ACRES OF LAND, MORE OR LESS, SAME BEING OUT OF AND A PART OF THE JOHN APPELEGATE SURVEY IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE. (Country Air, Section 1)

The motion, seconded by Councilman White, carried by the following vote:
Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer
Noes: None

The ordinance was read the first time and Councilman Perry moved that the ordinance be passed to its second reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer
Noes: None

Mayor Palmer brought up the following ordinance for its second reading:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF

22.52 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE S. Q. WHATLEY SURVEY, IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE. (Windsor Park Hills, Sec. 4)

The ordinance was read the second time and Councilman White moved that the ordinance be passed to its third reading. The motion, seconded by Councilman Perry, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer
Noes: None

Councilman Perry offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, an easement for public utility purposes was granted the City of Austin in, upon and across eleven (11) strips of land, each of said strips of land being five (5.00) feet in width and being out of and a part of Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11, Block 8, Silverton Heights; said Silverton Heights being a subdivision of a portion of the James P. Wallace Survey Number 57 in the City of Austin, Travis County, Texas, according to a map or plat of record in Book 4 at page 77 of the Plat Records of Travis County, Texas; and,

WHEREAS, the owner of the above described property has requested the City Council of the City of Austin to release the hereinafter described public utility easement; and,

WHEREAS, the City Council has determined that the hereinafter described easement is not now needed and will not be required in the future; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager of the City of Austin be, and he is hereby authorized to execute a release of the following described public utility easement, to-wit:

Eleven (11) strips of land, each being five (5.00) feet in width, the strip of land hereinafter described as Number 1 being out of and a part of Lot 1, Block 8, Silverton Heights; the strip of land hereinafter described as Number 2 being out of and a part of Lot 2, Block 8, Silverton Heights; the strip of land hereinafter described as Number 3 being out of and a part of Lot 3, Block 8, Silverton Heights; the strip of land hereinafter described as Number 4 being out of and a part of Lot 4, Block 8, Silverton Heights; the strip of land hereinafter described as Number 5 being out of and a part of Lot 5, Block 8, Silverton Heights; the strip of land hereinafter described as Number 6 being out of and a part of Lot 6, Block 8, Silverton Heights; the strip of land hereinafter described as Number 7 being out of and a part of Lot 7, Block 8, Silverton Heights; the strip of land hereinafter described as Number 8 being out of and

a part of Lot 8, Block 8, Silverton Heights; the strip of land hereinafter described as Number 9 being out of and a part of Lot 9, Block 8, Silverton Heights; the strip of land hereinafter described as Number 10 being out of and a part of Lot 10, Block 8, Silverton Heights; the strip of land hereinafter described as Number 11 being out of and a part of Lot 11, Block 8, Silverton Heights; said Silverton Heights being a subdivision of a portion of the James P. Wallace Survey Number 57 in the City of Austin, Travis County, Texas, according to a map or plat of record in Book 4 at page 77 of the Plat Records of Travis County, Texas; each of the said eleven (11) strips of land five (5.00) feet in width being more particularly described as follows:

NUMBER 1 BEING the east five (5.00) feet of Lot 1, Block 8, Silverton Heights;

NUMBER 2 BEING the south five (5.00) feet of Lot 2, Block 8, Silverton Heights;

NUMBER 3 BEING the south five (5.00) feet of Lot 3, Block 8, Silverton Heights;

NUMBER 4 BEING the south five (5.00) feet of Lot 4, Block 8, Silverton Heights;

NUMBER 5 BEING the south five (5.00) feet of Lot 5, Block 8, Silverton Heights;

NUMBER 6 BEING the south five (5.00) feet of Lot 6, Block 8, Silverton Heights;

NUMBER 7 BEING the north five (5.00) feet of Lot 7, Block 8, Silverton Heights;

NUMBER 8 BEING the north five (5.00) feet of Lot 8, Block 8, Silverton Heights;

NUMBER 9 BEING the north five (5.00) feet of Lot 9, Block 8, Silverton Heights;

NUMBER 10 BEING the north five (5.00) feet of Lot 10, Block 8, Silverton Heights;

NUMBER 11 BEING the north five (5.00) feet of Lot 11, Block 8, Silverton Heights;

The motion, seconded by Councilman Shanks, carried by the following vote:
Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer
Noes: None

Mayor Palmer introduced the following ordinance:

AN ORDINANCE PERPETUALLY CLOSING AND VACATING ALL THAT CERTAIN PORTION OF A STREET IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, KNOWN AS MATAGORDA STREET; AND SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman Armstrong moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Perry, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer
Noes: None

The ordinance was read the second time and Councilman Armstrong moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Perry, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer
Noes: None

The ordinance was read the third time and Councilman Armstrong moved that the ordinance be finally passed. The motion, seconded by Councilman Perry, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor Palmer introduced the following ordinance:

AN ORDINANCE PERPETUALLY VACATING AND CLOSING TO PUBLIC TRAVEL ALL THAT CERTAIN STREET KNOWN AS PICKFORD DRIVE, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; AND SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman Armstrong moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Perry, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer
Noes: None

The ordinance was read the second time and Councilman Armstrong moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Perry, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer
Noes: None

The ordinance was read the third time and Councilman Armstrong moved that

the ordinance be finally passed. The motion, seconded by Councilman Perry, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor Palmer introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CERTAIN CONTRACT WITH AUSTIN CORPORATION FOR THE APPROPRIATION OF MONEY PAID TO THE CITY OF AUSTIN UNDER SUCH CONTRACT; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Perry moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer
Noes: None

The ordinance was read the second time and Councilman Perry moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer
Noes: None

The ordinance was read the third time and Councilman Perry moved that the ordinance be finally passed. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor Palmer introduced the following ordinance:

AN ORDINANCE DECLARING THE NECESSITY FOR AND ORDERING THE PAVING AND IMPROVEMENT OF PORTIONS OF CERTAIN STREETS IN THE CITY OF AUSTIN, APPROVING PLANS AND SPECIFICATIONS FOR SUCH WORK, AUTHORIZING THE CITY MANAGER TO ADVERTISE FOR BIDS, DIRECTING THE PREPARATION OF ESTIMATES, INVOKING THE ALTERNATE PROCEDURE PROVIDED BY ARTICLE I, SECTION 5 OF THE CHARTER OF THE CITY OF AUSTIN AND CHAPTER 106 OF THE ACTS OF THE FIRST CALLED SESSION OF THE 40TH LEGISLATURE OF TEXAS, DETERMINING THAT THE COST OF SUCH IMPROVEMENTS SHALL BE PAID BY THE CITY OF AUSTIN, PROVIDING A METHOD OF REIMBURSING THE CITY OF AUSTIN FOR A PORTION OF SUCH COSTS BY ASSESSMENT OF A PORTION OF SUCH COSTS AGAINST THE PROPERTY

ABUTTING SUCH STREETS OR PORTIONS THEREOF TO BE IMPROVED, AND FOR THE FIXING OF A LIEN TO SECURE PAYMENT OF SUCH ASSESSMENTS, STATING THE TIME AND MANNER PROPOSED FOR PAYMENT OF ALL SUCH COSTS, DIRECTING THE CITY CLERK TO CAUSE A NOTICE OF THE ENACTMENT OF THIS ORDINANCE TO BE FILED IN THE MORTGAGE OR DEED OF TRUST RECORDS OF TRAVIS COUNTY, TEXAS, AND DECLARING AN EMERGENCY. (Balcones Drive and sundry other streets)

The ordinance was read the first time and Councilman Shanks moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Perry, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer
Noes: None

The ordinance was read the second time and Councilman Shanks moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Perry, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer
Noes: None

The ordinance was read the third time and Councilman Shanks moved that the ordinance be finally passed. The motion, seconded by Councilman Perry, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer
Noes: None

The Mayor announced that the ordinance had been finally passed.

The City Manager submitted the following:

"April 8, 1963

"W. T. Williams, Jr.
City Manager
Austin, Texas

"Dear Mr. Williams:

"Sealed bids were received until 11:00 A.M., Friday, April 5, 1963, at the Office of the Director of the Water and Sewer Department, Municipal Building, Austin, Texas, for the INSTALLATION OF AN 8-INCH CAST IRON WATER MAIN IN TANNEHILL STREET FROM WEBBERVILLE ROAD SOUTH AND EAST APPROXIMATELY 2615 FEET. The bids were publicly opened and read in the Second Floor Conference Room, Municipal Building, Austin, Texas.

"The following is a tabulation of bids received:

<u>"FIRM</u>	<u>AMOUNT</u>	<u>WORKING DAYS</u>
Fairey-Simons Company, Incorporated	\$10,627.00	4
Walter W. Schmidt	11,070.00	8
Capitol City Utilities	11,126.00	15
Bland Construction Company	11,206.00	10
Ford-Wagner, Incorporated	11,322.50	8
Austin Engineering Company	11,541.25	20
F and S Company	12,207.50	15
H and M Construction Company	13,215.00	30
City of Austin (Estimate)	13,337.00	-0-

"It is recommended that the contract be awarded to the Fairey-Simons Company, Incorporated, on their low bid of \$10,627.00 with 4 working days.

"Yours truly,
s/ Victor R. Schmidt, Jr., Superinten-
dent Sanitary Sewer Division
s/ Albert R. Davis, Director
Water and Sewer Department"

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION) .

WHEREAS, bids were received by the City of Austin on April 5, 1963, for the installation of an 8-inch cast iron water main in Tannehill Street, from Webberville Road South and East approximately 2615 feet; and,

WHEREAS, the bid of Fairey-Simons Company, Incorporated, in the sum of \$10,627.00, was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Director of Water and Sewer Department of the City of Austin, and by the City Manager; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the bid of Fairey-Simons Company, Incorporated, in the sum of \$10,627.00, be and the same is hereby accepted, and that W. T. Williams, Jr., City Manager of the City of Austin, be and he is hereby authorized to execute a contract, on behalf of the City, with Fairey-Simons Company, Incorporated.

The motion, seconded by Councilman Shanks, carried by the following vote:
Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer
Noes: None

The Council had before it a tabulation of bids for a fully hydraulically operated truck-mounted crane for the Sanitary Sewer Division, as follows:

"April 9, 1963

"TO: Honorable Mayor and Members of the City Council

SUBJECT: Bids for fully hydraulically operated truck-mounted crane
Sanitary Sewer Division

"Bids were opened at 2:00 P.M March 5, 1963 in the office of the Purchasing Agent for one fully hydraulically operated truck mounted crane. These bids are as follows:

Utility Equipment Company	\$9,957.68 - 2% 10th prox - W/Ford N 700 chassis
	or \$9,758.53 - Net
Holan Corporation	\$13,258.00 - Net W/GMC chassis
Girard Mach. & Supply	\$10,076.00 - Net W/L-6903-H Chevrolet chassis
	\$10,046.00 - Net W/Ford N 700 chassis
	\$ 9,842.00 - Net W/International Model 1700 chassis
	\$ 8,698.00 - Net for used Demonstrator W/1962 Model V GMC chassis
Commercial Body Corpn.	\$10,950.00 - Net W/Model C6803H Chevrolet chassis

"The following comments and recommendations are submitted:

"A low bid of \$8,698.00 was submitted by Girard Machinery Company (Proposal #4). This bid does not meet the specifications in that the truck bid has a GVW of 19,500 lbs., a cab to axle of 102 inches, and a 175 inch wheelbase. The specifications called for a GVW of 23,000 lbs., a cab to axle of approximate 124 inches, and an approximate wheelbase of 197 inches. Even tho the bids do not state that this must be a new truck-crane it is the intension of this Division that all equipment was to be new. Therefore, it is recommended that this bid not be accepted.

"Considering the above recommendation the bid of Utility Equipment Company for \$9,758.53 is the low bid. All of the bids were analyzed on the basis of their individual merits before a final selection was made and it is felt that this is the lowest bid on a piece of equipment that we will accept. Therefore, it is recommended that the bid of \$9,758.53 from Utility Equipment Company be accepted.

"W. T. Williams, Jr. City Manager"

In the discussion of these bids, Councilman Armstrong inquired if provisions had been made whereby bids could have been made separately on the trucks and on the hydraulic equipment. It was stated specifications were drawn whereby the companies could have bid either way, and no individual bids on trucks or cranes separately were received. Councilman Armstrong inquired if the truck people were invited to bid, and stated the automobile truck manufacturers would give cities, counties, and state governments a concession, and a truck of the size specified could mean a savings up to \$350.00. The hydraulic crane could have been installed on a truck, but he assumed the hydraulic companies would want to install the equipment on the trucks they had in stock; and if that is the case, the City lost the concession the truck manufacturers give. He asked that the Purchasing Department be requested to review this and see if any individual bids were received.

The Mayor brought up the following zoning applications deferred from last week:

MARY BELLE C. HILL

1509-1623 State Highway
No. 71

From Interim "A"
Residence and
"A" Residence

To "C" Commercial
 NOT Recommended by the
 Planning Commission
 RECOMMENDED "GR"
 General Retail

Councilman Perry moved that the change be granted to "GR" General Retail. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer
 Noes: None

The Mayor announced that the change had been granted to "GR" General Retail and the City Attorney was instructed to draw the necessary ordinance to cover.

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ROY R. KAY	8833-8843 (8823) North Lamar	From Interim "A"
By G. H. Lockhart	Boulevard	Residence
		To "C" Commercial
		NOT Recommended by the
		Planning Commission

Mr. Lockhart was present. After discussion, Councilman Perry moved that the zoning be changed to "C" Commercial with the exception of approximately 45' on the back which coincides with the adjoining property line, and that the strip be zoned "B" Residence. The motion, seconded by Councilman Armstrong, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer
 Noes: None

The Mayor announced that the change had been granted to "C" Commercial with the exception of a strip approximately 45' wide, which coincides with the adjoining property, and that strip had been zoned "B" Residence; and the City Attorney was instructed to draw the necessary ordinance to cover.

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The Council had before it the bids for construction of approximately 45 blocks of pavement and accessories (Anthony Street and sundry other streets) known as Assessment Paving Contract No. 63-A-3, 17 units, as follows:

"April 3, 1963

"Mr. W. T. Williams, Jr.
 City Manager

Assessment Paving Contract
 No. 63-A-3

"Following is a tabulation of bids received at 10:00 A.M. Tuesday, April 2, 1963 for the construction of approximately forty-five (45) blocks of pavement and accessories known as Assessment Paving Contract No. 63-A-3 consisting of 17 units.

"Robinson Excavating & Foundation Co.	\$107,745.58
Werneberg Construction Co.	108,054.75
J. W. Steelman	111,473.73
Bowden & Associates	115,900.77
City's Estimate	110,633.76

"The above total bid listed for Robinson Excavating and Foundation Company is the total shown on their proposal. However, in their proposal, in listing the unit prices, the written unit price for each item is not the same as the unit price listed in figures. Apparently, in filling out the proposal, there was a misunderstanding and the contractor listed in writing the total amount bid for all the units in each item, rather than the unit price of each item.

"The Instructions to Bidders states, "All unit prices called for in the proposal forms must be stated in both words and figures. In case of difference in written words and figures in a proposal, the amount stated in words shall govern."

"Therefore, if the unit prices, as stated in written words in this proposal are used instead of the figures, the bid of Robinson Excavating and Foundation Company would not be low.

"Even though we realize that Robinson Excavating and Foundation Company intended to bid the unit prices as stated in figures in the proposal, they did not follow the instructions heretofore mentioned.

"Therefore, to be fair to the other contractors who bid the work correctly, we recommend that Werneberg Construction Company with their bid of \$108,054.75 be awarded the contract for this project.

s/ S. Reuben Rountree, Jr.
Director of Public Works"

The Director of Public Works pointed out the low bidder had made a technical error by placing the "Written figures" on the bid proposal as the "Total" rather than the "unit" price, and the Instructions to the Bidders called for all unit prices to be both as written and in figures. The Mayor stated this would be a matter in the judgment of the Council; if it felt this were a very obvious error it could award the contract; or it may feel the bidding procedure would be jeopardized. The Council went into lengthy detailed discussion, studying the actual bid and the past experience of the specifications that had been used. It was stated these specifications had been used by 25 contractors for the past ten years, and this is the first time there had been any discrepancy. The City Attorney pointed out there was no question but that this was an irregularity in bidding, but the irregularity was one the Council had the authority to waive or not. After discussion, Councilman Armstrong moved that the contract be awarded to WERNEBERG CONSTRUCTION COMPANY, the bidder that followed the rules, in the amount of \$108,054.75. The motion, seconded by Councilman Perry, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer
Noes: None

Councilman Shanks suggested that the specifications be clarified in that the column read "written unit".

Councilman Armstrong stated a trailer had been stolen on First Street that was a tool house. The man bought it for \$30.00 and he reported it after he found it was stolen property. He inquired if he should be reimbursed, as he had reported it after he found out what he had purchased. The City Attorney stated an investigation should be made as to what should be done. Councilman Perry asked that the Council be informed of the results of the investigation.

The City Manager explained in detail that the City held a second lien note donated by MISS MARGARET LOUISE HILL in trust for use of the Natural Science Center. The people who own the equity in the property have other property on which they would like to transfer this note, as they have plans for refinancing this particular piece of property. They propose to take a lien on property on West 8th Street. (W. 25' of Lot 1 and all of Lot 2, Olen E. Hager Subd., 1200 block West 8th Street) The City Attorney and the Chairman of the Natural Science Center have investigated thoroughly, and believe the security that the City would have under the proposed alternate note would be satisfactory. MISS HILL was contacted and had written a letter stating if the City Attorney and Chairman recommended the transfer, it would be agreeable with her. The City Attorney explained it would require the execution of a release of the note which the City holds on the Woodrow Street property (Lot 15, Block 13, North Loop Terrace-5404 Woodrow Street) and obtaining the lien on the 8th Street property. He pointed out the advantages to the City to make this transfer. Mayor Palmer stated the transfer would be agreeable with the donor. Councilman Perry moved that the City Manager be authorized to execute a release of the second lien note which the City holds on the Woodrow Street property and make this transfer on the 8th Street property. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer
Noes: None

The City Manager stated MARY HEARD ELLIS, in her will, left \$9,000 to the Austin Public Library for the Alexander Caswell Ellis Memorial Collection in Mental Health. Councilman Perry offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Mary Heard Ellis by her will duly probated in Travis County, Texas bequeathed \$9,000.00 for the use and benefit of the Alexander Caswell Ellis Memorial Collection in Mental Health located in the Austin Public Library at Austin, Texas, by Paragraph XII of her will; and,

WHEREAS, said Paragraph XII provides for the creation of a Trust, the terms of which are set out in said will; and,

WHEREAS, the provisions of such Trust provide that the said \$9,000.00 shall be invested and reinvested by the City of Austin, and the income therefrom to be used to purchase books for the Alexander Caswell Ellis Memorial Collection in Mental Health; and,

WHEREAS, Kathrin Heard Leigh and Roy E. Leigh, Co-independent executors of the Estate are now ready to deliver unto the City of Austin the said \$9,000.00 and have requested a receipt from the City Manager for the same; and,

WHEREAS, the bequest and the Trust provisions are satisfactory to the City of Austin, and it would be to the best welfare of the City to accept such gift; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager be and he is hereby authorized and directed to execute a receipt for said \$9,000.00, and to deliver such receipt unto the said Kathrin Heard Leigh and Roy E. Leigh upon receipt of said sum.

The motion, seconded by Councilman White, carried by the following vote:
Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer
Noes: None

Councilman Armstrong inquired of the City's financial standing as of this date. The City Manager stated the amount which included interest bearing accounts, trust and agency accounts, reserves, etc. The Mayor noted this amount included reserves pledged for bonds and included many funds already committed for the purchases of the power plant that will be coming due; and that the amount is not readily available as it is already earmarked. He stated it would be necessary to sell bonds again. Councilman Armstrong suggested it would be desirable to know the finances in the bank and the amount uncommitted from time to time.

The City Manager stated MISS HERTHA E. VON BOECKMAN left a number of cash bequests, one to the City for the specific purpose of maintaining a cemetery lot. The amount was \$3,000. The total value of her estate was considerably less now than it was at the time the will was made, and all of the heirs have agreed on amounts which they would receive from the estate less than the amounts specified in the will. He listed several individual cases, the amounts each was to receive and the amount each had agreed on under the circumstances. Generally the distribution is about one third of the original amount. The City would have \$1,000 instead of \$3,000. It is necessary for the Council to agree on this division of the proceeds. Councilman Perry moved that the City Manager be authorized to execute an agreement to that effect. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer
Noes: None

Councilman White stated he had been asked several times in the last two or three weeks as to how much money had been spent on Urban Renewal up to this point, and how much Federal money had been spent, and asked if the City Manager would get that information for him.

The City Manager explained the Council approved a contract between BROWNING AERIAL SERVICE and Phillips Petroleum Company. In the City's agreement with Browning, it was provided that it would give Phillips Petroleum Company notice in the event of default, and the City had to take over the operations. The

Phillips Petroleum Company has a trust indenture with Bankers Trust Company, and it will be necessary to amend the contract that the City will give notice to Bankers Trust Company also. Councilman Shanks moved that the City Manager be authorized to amend the contract to provide notification to Bankers Trust. The motion, seconded by Councilman Armstrong, carried by the following vote:

Ayes: Councilmen Armstrong, Shanks, White, Mayor Palmer

Noes: None

Not in Council Room when the roll was called: Councilman Perry

The City Manager stated the City Attorney had a letter from the Presbyterian Church Mission Board concerning the future church site on Balcones Drive. This area may be needed for the Missouri Pacific Boulevard, and the Church has held up its plans for construction of this church. It had been suggested there might be worked out an exchange of land. The Church had looked at a site on the north side of Memorial Cemetery on Northland Drive east of the railroad, and had made a proposal to exchange its site for a tract carved out of this city property. The City Manager did not recommend the offer which was to exchange a little over two acres for three and a fraction acres on Northland Drive. He explained in this new proposed location, there would be a space between the Church development and the frontage road of the Boulevard, and the Church wanted an agreement with the City that it would not use that intervening property for any purpose. He said this offer would not be acceptable. The City Attorney stated he was exploring the possibilities of arranging for the Church to remain in its present site with some slight change in configuration of the property.

The City Manager stated the City had been negotiating with Mr. Jack Adams for right-of-way for Highway 183, and there was a resolution now authorizing settlement of the condemnation suit. The City Attorney said it would be necessary for the Council to authorize the City Manager to execute a deed for the parcel of land that would be used as part of the consideration. Councilman Perry offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That W. T. Williams, Jr., City Manager of the City of Austin, be and he is hereby authorized to execute a deed on behalf of the City of Austin, conveying to Jack C. Adams, Trustee, that certain tract of land which was conveyed to the City of Austin by deed of record in Book 2265, Pages 447-450 of the Deed Records of Travis County, Texas, which tract of land is more particularly described as follows, to-wit:

Being all of that certain 1.000 acre tract of land out of and a part of the James P. Wallace Survey No. 57, Abstract No. 789, lying and being situated in Travis County, Texas, which 1.000 acre of land was conveyed to the Brentwood Church of Christ of the City of Austin, Travis County, Texas, by deed dated September 2, 1955 of record in Volume 1634, page 109 of the Deed Records of Travis County, Texas, SAVE and EXCEPT, HOWEVER, the following described portion of said

1.000 acre tract of land which was heretofore by even date herewith conveyed by the Brentwood Church of Christ to the State of Texas; said portion of the above mentioned 1.000 acre tract of ground which is excepted herefrom being more particularly described by metes and bounds as follows:

0.574 of one acre of land, more or less, same being out of and a part of that certain 1.000 acre of land out of the James P. Wallace Survey No. 57, Abstract No. 789 in Travis County, Texas, which 1.000 acre of land was conveyed to Brentwood Church of Christ of the City of Austin, Travis County, Texas, by deed dated September 2, 1955 of record in Volume 1634, page 109, Deed Records of Travis County, Texas, said 0.574 of one acre of land, more or less, is more particularly described by metes and bounds as follows:

BEGINNING at a point in the southeast line of said 1.000 acre tract of land 74.25 feet South $31^{\circ} 38'$ West of the east corner thereof for the east corner of said 0.574 of one acre tract of land, more or less, said point also being in the northeast right of way line of the proposed location of U. S. Highway 183 100.0 feet left of Survey Station 397/33.1 thereof;

THENCE South $31^{\circ} 38'$ West 100.0 feet along the southeast line of said 1.000 acre tract of land to the south corner thereof, same being a west corner of adjoining Roadmac Corporation 13.00 acre tract of land, said corner also being in the northeast right of way line of present 80.0 feet wide Anderson Lane at centerline Survey Station 397/31.0 of said U. S. Highway 183;

THENCE North $59^{\circ} 37'$ West 250.0 feet along the southwest line of said 1.000 acre tract same being the northeast right of way of Anderson Lane same being the centerline of the proposed location of U. S. Highway 183, to the west corner of said 1.000 acre tract of land same being the south corner of adjoining Mart Realty Company of Austin, Texas, Inc., 19.36 acre tract of land at Survey Station 394/81.0 of said U. S. Highway 183;

THENCE North $31^{\circ} 38'$ East 100.0 feet along the northwest line of said 1.000 acre tract to a point in the north right of way line of the proposed location of said U. S. Highway 183 said corner being 743.4 feet South $31^{\circ} 38'$ West of the east corner of adjoining Mart Realty Company, Austin, Texas, Inc. 19.36 acre tract and 100.0 feet left of Survey Station 394/83.1;

THENCE South $59^{\circ} 37'$ East 100.0 feet from and parallel to the southwest line of said 1.000 acre tract 250.0 feet to the point of beginning.

The motion, seconded by Councilman Armstrong, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer
Noes: None

Councilman Perry offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City Council of the City of Austin by Resolution dated December 31, 1959, authorized the City Manager to enter into a contract for the acquisition of right-of-way on U. S. Highway 183 near the Montopolis Bridge in Austin, Texas; and,

WHEREAS, acting in compliance with the terms of this contract, the City of Austin has deposited the Special Commissioners' Award and taken the fee simple title by Final Judgment to that certain tract of land described in a condemnation cause of action in Travis County, Texas, styled as City of Austin vs. L. J. Juedecke; and,

WHEREAS, it is now necessary to transfer the fee simple title to the above referred tract of land and all improvements situated thereon to the State of Texas; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager be and he is hereby authorized and directed to transfer the fee simple title to the above referred tract of land and all improvements situated thereon to the State of Texas in compliance with the above described contract.

The motion, seconded by Councilman Armstrong, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer
Noes: None

The City Manager stated a street deed had been received from SOUTHERN PACIFIC RAILROAD for the opening of Denson Drive across the T & NO Branch, and there are certain provisions for maintenance by the City outside the tract, and some agreements, which must be accepted and agreed to on part of the maintenance responsibilities. The Director of Public Works gave a report on the 45th Street crossing. Councilman Perry offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City of Austin hereby accepts from Southern Pacific Company the easement for public street purposes dated March 7th, 1963, at the location and upon the conditions enumerated in that certain instrument marked Exhibit "A" which is attached hereto and incorporated herein.

Exhibit "A"

THE STATE OF TEXAS

COUNTY OF TRAVIS

§
§
§

KNOW ALL MEN BY THESE PRESENTS:

THAT, Southern Pacific Company, a corporation, hereinafter styled

"Grantor", for and in consideration of the sum of One and no/100 Dollar (\$1.00) and other valuable considerations to it in hand paid by the City of Austin, a municipal corporation in the County of Travis, State of Texas, hereinafter styled "City", the receipt of which is hereby acknowledged, and under the terms and conditions hereinafter set forth, has this day Granted, Sold and Conveyed, and by these presents does Grant, Sell and Convey unto the City, a right of way easement for public street purposes, in particular for Denson Drive, upon and across the property of Grantor in the James P. Wallace Survey, Travis County, Texas, more particularly described as follows, to-wit:

Beginning at a steel pin located at the intersection of the proposed south line of Denson Drive and the west line of Grantor's Austin to Llano Branch main track property, said intersection being twenty five feet (25') westerly at right angles from the centerline of Grantor's said main track opposite its Engineer's Station 277/51.22;

Thence Northerly along the arc of a curve to the right having a radius of two thousand eight hundred seventy four and 43/100 feet (2874.43') and which long chord bears N. 3° 38' E. concentric with and twenty five feet (25') westerly from the centerline of said main track, a distance of seventy and 1/100 feet (70.01') to steel pin for corner in the proposed north line of Denson Drive;

Thence S. 85° 55' E. along the proposed north line of Denson Drive, a distance of fifty and 2/100 feet (50.02') to the east line of Grantor's said property;

Thence Southerly along the arc of a curve to the left having a radius of two thousand eight hundred twenty four and 43/100 feet (2824.43') and which long chord bears S. 3° 37' W. concentric with and twenty five feet (25') easterly from the centerline of said main track, a distance of seventy and 11/100 feet (70.11') to the proposed south line of Denson Drive;

Thence N. 85° 55' W. along the proposed south line of Denson Drive, a distance of fifty and 10/100 feet (50.10') to the place of beginning and containing 0.08 of an acre of land more or less.

As a further consideration for the easement herein granted, the City by acceptance hereof, agrees to reimburse Grantor for the cost of constructing its standard plank crossing between the ends of the ties in its track with a width of forty feet (40') measured normal to the centerline of said Denson Drive, installing whistle signs and flasher lights for said crossing, which cost is estimated to be Seven Thousand One Hundred Twenty One Dollars (\$7,121.00), it being understood and agreed that the City will reimburse the Grantor the actual cost of making such installations, regardless of it being more or less than the estimated cost.

The City will perform all grading, furnish and install necessary and adequate drainage structures, curbs, gutters and surfacing for said street up to the ends of the ties in said track without expense to Grantor.

This easement is granted subject to the right of Western Union Telegraph Company to maintain and operate a pole and wire line thereon and thereover, and

the City will make its own arrangements with the Western Union Telegraph Company for any necessary relocation or alteration of said pole and wire line.

No legal right which the Grantor now has to reconstruct, maintain and operate its existing track and appurtenances or to construct, maintain and operate an additional track or trunks and appurtenances upon and across the tract of land herein described shall in anywise be affected by the granting of this easement.

In the event the street should ever be vacated, closed or abandoned, upon and across said tract of land, this easement shall revert to and revest in Grantor, its successors and assigns, without any further act or deed by Grantor.

TO HAVE AND TO HOLD the above described easement together with all and singular the right and appurtenances thereto in anywise belonging unto the City of Austin, its successors and assigns, subject to the conditions hereof forever. This easement is made without any warranty whatsoever, either expressed or implied.

IN WITNESS WHEREOF, the Southern Pacific Company has caused these presents to be executed in duplicate, by its Assistant To Vice President, attested by its Assistant Secretary, and its corporate seal to be hereunto affixed, on this the 7th day of March A. D. 1963.

ATTEST:

SOUTHERN PACIFIC COMPANY

s/ H. D. Gray
Assistant Secretary

By s/ B. M. Stephens
Assistant To Vice President

THE STATE OF TEXAS

COUNTY OF HARRIS |
 |
 | BEFORE ME, W. T. Magee, a Notary Public in and for
Harris County, Texas, on this day personally appeared B. M. Stephens, Assistant
To Vice President of the Southern Pacific Company, known to me to be the person
whose name is subscribed to the foregoing instrument, and acknowledged to me
that he executed the same in the capacity and for the purposes and considera-
tions therein stated, and as the act and deed of said corporation.

GIVEN under my hand and seal of office, this the 7th day of March A. D.
1963.

s/ W. T. Magee
NOTARY PUBLIC, in and for
Harris County, Texas.

The motion, seconded by Councilman Armstrong, carried by the following
vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer
Noes: None

The Director of Public Works made a report on his and the Traffic Engineer's meeting with members of the State Building Commission regarding the flood lighting at the John Regan Building on 15th Street. He said all agreed

the original plan was bad. He displayed the new plans whereby the Building Commission requested permission to cut the sidewalk as shown where it would leave 2½' sidewalk for 20', and showed location of the flood lights. The Director of Public Works stated the Building Commission would screen the lights. It was stated this was the recommendation of the Traffic Engineer, the Director of Public Works, and the City Manager. Councilman Perry moved that the State of Texas be granted permission to install flood lights to shine on the John Regan Building at the location in which it had been pointed out on this map. The motion, seconded by Councilman Armstrong, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer
Noes: None

Councilman White moved that JOE SANCHEZ, representing OUR LADY OF THE GUADALUPE CHURCH, be granted permission to have a dance on April 14th, Easter Sunday at the Coliseum. The motion, seconded by Councilman Perry, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer
Noes: None

The City Manager stated MISS LOLLA PETERSON had requested parking space for one of her workers, since they were required to give up one of their parking spaces during enlargement of the Court House. He stated he would recommend the request on a temporary basis. Councilman White moved that the Council grant a parking space, as requested by Miss Peterson, but only on a temporary basis. The motion, seconded by Councilman Perry, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer
Noes: None

The City Manager called attention to the Paving Progress Report, which had been sent to the members with the Agenda. The Mayor stated the Council would review this and discuss it.

The Council acknowledged receipt of the Annual Report of the Urban Renewal Agency. As to Urban Renewal, the Mayor stated the Council would like to see the entire plan and have it explained at the same time the general public has it explained on March 6th.

Mayor Palmer stated right-of-way was needed at 29th and Guadalupe, and suggested that the City Manager be requested to look into this and see if the right-of-way could be acquired. Councilman Perry moved that the City Manager be authorized to see what this property can be acquired for. The motion, seconded by Councilman Armstrong, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer
Noes: None

The Water and Sewer Superintendent reported that the sewer line into the Internal Revenue Service Center would be ready a month earlier than anticipated.

There being no further business, Councilman Perry moved that the Council adjourn. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer
Noes: None

The Council adjourned subject to the Call of the Mayor.

APPROVED



Mayor

ATTEST:



City Clerk